

REMARKS

The examiner finally rejected claims 1-5, 8-14, 17-23, and 25 under 35 USC 103(a) as being unpatentable over Janonis (5612580) in view of Tassitino (5633539) and Weinstein (5939799). The examiner admits that Janonis does not disclose utilizing a three phase AC source and load, monitoring a DC voltage on a DC bus, or commuting electrical power from both the power source and from the DC power supply at the same time to the DC bus when the DC bus voltage is intermediate the first and second thresholds. The examiner argues that Janonis in view of Tassitino discloses the AC source and AC load element of the claims, and that it also discloses the commuting power from both the DC power supply and the AC power source when the DC bus voltage is intermediate the first and second threshold. The examiner then argues that Janonis in view of Tassitino, in further view of Weinstein discloses monitoring a DC voltage on the DC bus.

The device of Janonis discloses measuring an input power source line (Figure 1, callout 12). The disclosure, in turn, relies on interpreting and processing based on the specific properties of the power source line (12) as measured by the line condition sensor (Figure 1, callout 18). The specific power qualities of the income power line are then used to determine if a switch to backup power is necessary. If the device of Janonis were modified in view of Tassitino and in further view of Weinstein to instead monitor the DC bus voltage it would not be operable. The sensor (18) would no longer be able to provide the information regarding the quality of the power source line required by the disclosure of Janonis if it were instead measuring the DC bus voltage as would be necessary in the

suggested combination. Since the combination of Janonis in view of Tassitino and in further view of Weinstein destroys the operability of the device it is not obvious.

If any fees or extensions of time are ever required, please charge to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

/John E. Carlson/

John E. Carlson

Registration No. 37,794

400 West Maple, Suite 350

Birmingham, Michigan 48009

(248) 988-8681

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